



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

02/19/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sherwood Plan Amendment
DLCD File Number 004-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 06, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Michelle Miller, City of Sherwood
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	FEB 14 2014
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Sherwood**Local file number: **PA 13-02**Date of Adoption: **2/4/2014**Date Mailed: **2/17/14 2-13-14**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/25/2013☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☒ Zoning Map Amendment☒ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City Council approved the proposed zone change, map and text amendment to rezone the property located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway -Tax Lot 2S130CD13400 from General Commercial to High Density Residential.

The City Council approved the PUD language by removing the minimum lot size requirement it applies to properties located in the High Density Residential zone.

Does the Adoption differ from proposal? Yes, Please explain below:

Yes, as the text amendment only applies to Planned unit developments located in the high density zone.

Plan Map Changed from: **GC-General Comm.**to: **HDR-High Density Residential**Zone Map Changed from: **GC**to: **HDR**Location: **Citywide**Acres Involved: **5**Specify Density: Previous: **n/a**New: **16.8-24 du per acre**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Metro, ODOT, CWS, PGE, BPA

PI-81-5-07
Local Contact: **Michelle Miller, Senior Planner** Phone: **(503) 625-4242** Extension: _____
Address: **22560 SW Pine Street** Fax Number: **503-625-0629**
City: **Sherwood** Zip: **97140** E-mail Address: **millerm@sherwoodoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**



ORDINANCE 2014-001

AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE A PARCEL FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, the City received a land use application concerning property located at tax lot 2S130 CD 13400 and generally located near the northeastern intersection of SW Meinecke and Cedar Brook Way, for a comprehensive plan amendment and zone change on the parcel; and

WHEREAS, the applicant seeks a plan amendment and zone change from General Commercial to High Density Residential for the subject property; and

WHEREAS, after testimony from the public, staff, and the applicant, the Sherwood Planning Commission, recommended approval of the change to the comprehensive plan and zoning designation; and

WHEREAS, the proposed amendment was reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed zone change and map amendment was subject to full and proper notice and review and a public hearing held before the Planning Commission on December 18, 2013; and

WHEREAS, the City Council held a public hearing on February 4, 2014, and determined that the proposed zone change met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings

After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the City Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1.

Section 2. Approval

The approval is supported by the findings and subject to the conditions contained in Exhibit 1.

Section 3. Manager Authorized

The Planning Department is hereby directed to take such action as may be necessary to document this change to the comprehensive plan and zoning designation including notice of adoption to DLCD in accordance with City ordinances and regulations.

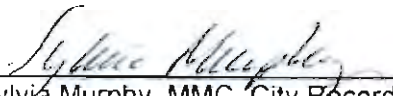
Section 4. Effective Date

This ordinance shall become effective the 30th day after its enactment by the City Council and approval of the Mayor.

Duly passed by the City Council this 4th day of February 2014.


Bill Middleton, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<u>✓</u>	<u> </u>
Langer	<u>✓</u>	<u> </u>
Butterfield	<u>✓</u>	<u> </u>
Folsom	<u>✓</u>	<u> </u>
Grant	<u>Absent</u>	<u> </u>
Henderson	<u>✓</u>	<u> </u>
Middleton	<u>✓</u>	<u> </u>

CITY OF SHERWOOD

February 4, 2014

City Council Findings

Brownstone Zone Change and Text Amendment (PA 13-4)

Pre App. Meeting: July 1, 2013

App. Submitted: September 13, 2013

App. Complete: October 16, 2013

120 Day Deadline: February 12, 2014

Planning Commission Hearing: December 18, 2013

At the City Council hearing on February 4, 2014, the City Council approved the proposed zone change, map and text amendment to rezone the property located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway from General Commercial to High Density Residential. They did not impose the barrier on the multifamily development as recommended by the Planning Commission.

The City Council approved the Planned Unit Development text amendment as it applies to properties located in the High Density Residential zone, provided the application for a planned unit development is received within one year from the date the Code amendment is enacted.

Planning Commission Recommendation to City Council:

The Planning Commission held a public hearing on December 18, 2013 to take testimony and consider the proposed zone change, map amendment and text amendment on an application the City received to rezone the property located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway from General Commercial to High Density Residential. After considering the staff report, applicant testimony and the public comments, the Commission recommended approval of the zone change. The Planning Commission found the market analysis conducted by the applicant and identified as Exhibit J persuasive. The analysis demonstrated the community's need for 670 single-family attached and detached dwelling units over the next twenty years and that there is currently a demonstrated need for this particular housing type.

The Planning Commission did not recommend approval of the text amendment as proposed by the applicant. The applicant had proposed to amend the planned unit development standards (PUD) to remove the minimum lot size requirement of 5,000 square feet for residential developments. The Planning Commission discussed that they may have considered recommending approval if the applicant had proposed removal of the minimum lot size for PUDs for a specific project or for a certain period of time, effectively a "sunset provision" for the minimum lot size requirement.

Applicant's Proposal:

The applicant has requested a comprehensive plan and zone map amendment to change the zone from General Commercial (GC) to High Density Residential (HDR). Additionally, the applicant proposes to amend the planned unit development standards to remove the minimum lot size requirement of 5,000 square feet for residential developments. The property subject to the zone change is vacant. The

applicant's proposed text amendment Code language is included as Exhibit A. The applicant's entire application packet is attached as Exhibit B.

I. BACKGROUND

- A. Applicant Brownstone Real Estate Group
P.O. Box 2375
Lake Oswego, OR
Contact: Randy Myers
- B. Applicant's Representative Cardno
5415 SW Westgate Drive, Suite 100
Portland OR 97221
- C. Location: Washington County Tax Map 2S130CD13400. The property is at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway.
- D. Parcel Sizes: 5.77 acres total, including area for Cedar Brook Way extension
- E. Existing Development and Site Characteristics: The site is vacant with a vegetated corridor along the western and northern edges of the property line. The vegetated corridor is approximately fifty feet in most places and slopes to the western edge of the site into the vegetated corridor. Nine trees are to remain within this corridor. The rest of the site is vacant and level. SW Meinecke Parkway, a fully developed roadway extends to the roundabout at the intersection of SW Meinecke Parkway and SW Cedar Brook Way with curb tight sidewalks to the roundabout.
- F. Site History: The site was initially part of a three-lot minor land partition, Cedar Brook Way MLP (05-05), and was approved in 2005. When the Oregon Department of Transportation (ODOT), in cooperation with the City constructed the western extension of SW Meinecke Parkway terminating in a traffic roundabout at SW Cedar Brook Way, tax lots 100 and 101 were physically created with the road separating them. The three lots were zoned General Commercial. Two of those lots have office buildings currently constructed on their property. This third lot is the subject of this zone change.
- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial (GC) and generally allows a wide range of commercial uses.
- H. Adjacent Zoning and Land Use: Land to the east is zoned High Density Residential (HDR) and developed with multifamily housing. Land to the south and across SW Meinecke is also zoned GC, and developed with two separate office buildings. To the west and across the vegetated corridor buffer, is a residential subdivision with single-family homes zoned low-density residential, planned unit development (LDR-PUD). The subdivision is Wydham Ridge.
- I. Review Process: Both the proposed text amendment and zone change require a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. There will be a twenty-one (21) day appeal period after the Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).

- J. **Public Notice and Hearing:** Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on November 25, 2013 in accordance with § 16.72.020 of the SZCDC. The notice was published in the Sherwood Gazette on December 1, 2013 and published in the Times on December 12, 2013 (a newspaper of general circulation) in accordance with § 16.72.020 of the SZCDC.
- K. **Review Criteria:** The required findings for the Plan Amendment are identified in § 16.80 (Plan Amendments), Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity, Oregon Transportation Planning Rule: (OAR 660-012-0060), Statewide Planning Goals: Goal 1- Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal 10-Housing

II. PUBLIC COMMENTS

Sally Robinson no address provided submitted an email to staff on December 2, 2013 indicating her concern with the proposal. She raised the issue of onsite parking as well as the additional traffic that could be generated with this high-density residential use. Her comments are attached as Exhibit C.

Staff Response: The parking standards are set based on a particular use within the zoning designation. The parking standards are not under review and any land use application regardless of the zoning designation will be required to meet or be conditioned to meet all community design standards found within the current Sherwood Zoning and Development Code.

With respect to traffic, residential uses generate less traffic than commercial uses as the traffic impact analysis indicates. This roadway and nearby signalized intersection are equipped to manage the capacity for the proposed residential use.

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on November 24, 2013. The following is a summary of comments received as of this date.

ODOT Comments dated December 9, 2013 and attached as Exhibit D.

ODOT has reviewed the traffic impact analysis submitted by the applicant which compares the reasonable highest trip generation for allowed land uses under the existing General Commercial zoning to the reasonable highest trip generation for the proposed High Density Residential zoning. Since the reasonable highest trip generation under the proposed zoning is less than the existing zoning, ODOT has determined there will not be a significant effect on state highway facilities with the proposed zone change.

Engineering Department Comments dated December 11, 2013 Indicate that the zone change would not negatively affect the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

Transportation Review

A Traffic Analysis Report, by Charbonneau Engineering LLC, dated October 2013, was submitted as part of the application. The report indicates that the proposed zoning change and code text amendment will result in fewer A.M. and P.M. peak hour trips. The report indicates that the development will experience LOS "D" or better and operate with a V/C ratio of 0.75 during both A.M. and P.M. peak hour traffic.

The development is proposing two access points to the development. One access point is located off the constructed extension of Cedar Brook Way, to the existing roundabout at the Meinecke Road intersection. The second access point is located approximately 180 feet east of the roundabout on Meinecke Road. City Engineering Design Standards indicates that a design spacing minimum of 400 feet is required for intersections on collector status streets. However, this access is proposed to be configured as a right-in/right-out intersection, in which case the 180-foot distance would be acceptable conditioned on meeting minimum sight distance requirements.

Storm System Review

There are no existing public storm water facilities that would be able to serve the site. The existing storm water quality facility located on Cedar Brook Way near Hwy 99W serves the Cedar Brook development and is not size for additional capacity. This storm water facility is located on land owned by the current property owner located on the north side of Cedar Brook Way.

The applicant could investigate the willingness of the existing storm water facility property owner to allow expansion of the facility. Regardless, the site will need to provide storm water quality treatment of impervious surface storm water runoff generated at the site to meet CWS standards. Discharge of treated storm water runoff would most likely be to the Cedar Creek tributary located to the west of the site.

Sanitary Sewer System Review

There is an existing public 8-inch sanitary sewer mainline located in Cedar Brook Way. This sewer main would need to be extended with the construction of Cedar Brook Way to be able to provide service to the site. The existing sanitary sewer system located in Cedar Brook Way has the capacity to handle the proposed development.

Water System Review

There is an existing 12-inch water mainline located in Cedar Brook Way. The water main would need to be extended with the construction of the extension of Cedar Brook Way to provide service to the site. The existing water system located in Cedar Brook Way has the capacity to handle the proposed development.

General Comments

The traffic analysis report depicts outdated roadway classifications in a reference table. This table shall be updated to reflect current City TSP roadway classifications. The reference chart also incorrectly indicates an existing Cedar Brook Way paved section with of 32 feet. This reference chart shall be updated to reflect a correct paved width of 36 feet. The proposed design road section extension for Cedar Brook Way shall conform to the existing road section of Cedar Brook Way.

Conclusion

The requested zoning change and code text amendment will not have a negative impact on adjacent public transportation systems, or the ability of public utility infrastructure to handle the additional demand made by the site development.

IV. PLAN AMENDMENT REQUIRED FINDINGS

16.80.030 - Map Amendment

This section states that an amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and A-D below.

The applicable Comprehensive Plan policies are discussed under Section V. below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable Regional regulations are discussed under Section VI. and applicable State regulations are discussed under Section V.

FINDING: This is discussed in detail below.

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

FINDING: This is discussed in detail below under Section V.

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Zone Change

The applicant proposes to rezone property from commercial to high density residential. The proposed zoning designation allows for a variety of housing types from single-family to multi-family units such as townhomes, condominiums and apartments. Examples of HDR development in Sherwood range from the Sunfield Lake Apartments to Sherwood Village, a detached single family residential planned unit development. The housing density range for this zoning is 16.4 to 24 dwelling units per acre. There are approximately 121 acres of existing HDR properties within the City and fewer than 10 remaining acres that have yet to be developed. The applicant's Economic Analysis (EA) indicates that that HDR accounts for approximately 6% of the overall land supply of residentially zoned properties. The City owns the only comparable HDR property over 5 acres, but much of that is undevelopable due to slopes and the vegetated corridor buffer on the property. If approved, there is approximately 2.75 acres of developable land on this site and thus the density range for this development would be 46-66 dwelling units.

Specific site conclusions of the applicant's EA indicate that the site provides appropriate flexibility with regard to residential development feasibility, its proximity to other residential

development and proximate access to Highway 99W and the amenities along the roadway. It is effectively "buried" behind adjacent development which limits its visibility and access from Highway 99W making it more ideal for residential over commercial uses where roadway visibility is key. The Cedar Creek natural area will provide a natural open space buffer providing privacy between the neighborhoods and thus increasing economic value to the property.

The applicant's EA contends that the site has disadvantages as a commercial property such as:

- limited visibility to Highway 99W
- adjoining and nearby residential properties would see additional traffic, noise and higher activity levels generated with a commercial property,
- a commercial use would not recognize the economic and community value from the Cedar Creek natural area.

This site is similar to other vacant commercial properties along Highway 99W. There are approximately nine vacant and underdeveloped commercially zoned properties along Highway 99W with varying lot sizes. These properties all have greater visibility along Highway 99W than the subject property and it may be challenging to develop this site commercially because it is not directly located on Highway 99W.

Commercial uses generate service and office jobs within a community and generally provide economic vitality to the community. The City has identified an overall jobs/ housing imbalance in the Economic Development Strategy (EDS) conducted in 2007. Sherwood is "housing rich and jobs poor" compared with the rest of Washington County. The jobs -to-population ratio is .30 in Sherwood compared to .40 for Washington County as a whole. The EDS found the employment levels for Sherwood to range from 3,992 to 4,315 jobs and nearly 85% of the workers who live in Sherwood, work outside of the City limits.

The applicant submitted a market analysis in the application materials addressing the need for additional residential zoning in Sherwood to meet the community's needs. Specifically, the market analysis for Sherwood showed that the price threshold is \$250,000 and higher for single-family detached units and 190,000-300,000 for attached ownership/townhomes. The applicant identifies that the proposed residential development on-site and economically feasible on land zoned HDR would be priced at \$ 195,000 to \$230,000 for attached townhomes and the price point for single-family development would be between \$250,000-350,000. According to the analysis, there is a demand of 670 units of this housing type in Sherwood over the next twenty years.

Minimum Lot Size Text Amendment

The current minimum lot size for all residential developments does not allow the flexible variety of housing types that a planned unit development would normally provide because of the strict adherence to the minimum 5,000 square foot lot size for detached dwelling units. The applicant proposes removal of the minimum lot size in its entirety to provide the greatest flexibility for all developments regardless of the residential zoning. The minimum and maximum density requirements would still need to be met, however. The applicant indicates that the smaller or zero lot housing type is gaining popularity allowing for detached single-family units on separate lots that would be otherwise unattainable under any of the City's existing zones, as well as in the

current PUD standards. The Planning Commission and City Council will continue to have strong oversight for Planned Unit Developments and would continue to review the projects with the other planned unit developments standards unchanged.

FINDING: Based on the above analysis the applicant meets this criterion.

C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

The proposed amendment is both timely and consistent with the area's land use pattern. There is a very limited supply of vacant HDR properties available within the City's existing boundary. According to Metro RLS data, there are approximately 84 acres of undeveloped or vacant commercially zoned property, located primarily along on SW Tualatin Sherwood Road, SW Roy Rogers or along Highway 99W. The subject property does not have the benefit of the higher visibility that adjacency to these roadways provides and as a result may not develop until after these properties are developed.

Residential uses in the commercial zone are permitted so long as they are secondary to the commercial use. In 2008, the site received land use approval for an independent living facility for senior housing that was conditionally permitted in the GC zone. No other applications have been received or land use approvals granted concerning this property since it was originally partitioned in 2005.

The lack of available housing supply and available vacant commercial supply within the City limits while not dispositive can be seen as an indicator of availability and timing for the proposed rezone. The adjacent commercial property has been constructed with two office buildings but has remained vacant for over five years whereas the adjoining multi-family residential development is at capacity.

Public infrastructure is available and utilities are able to be constructed to serve the site with the extension of Cedar Brook Way. The applicant has addressed the transportation system with the analysis conducted in their Exhibit G to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve high density development on this property should the rezone be approved.

Minimum Lot Size Text Amendment

Although most high-density residential lots can achieve the density requirements if developed on one lot, the minimum lot size of 5,000 square feet precludes the development of single-family homes that meet the minimum density requirements of the HDR zoning. The applicant contends and staff agrees that it limits the owner occupied housing type for detached dwelling units that are permitted within this zone. It limits the ability to provide small lot detached dwelling units in the Sherwood housing market that are available in other parts of the region. Because the applicant seeks to remove the minimum lot size, and if developed as a PUD, the community will have considerable oversight in the design and viability of each development.

FINDING: Based on the above discussion, the applicant meets this criterion.

D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

The subject site is one of several vacant commercially zoned properties along Pacific Highway between Cedar Brook Way and SW Edy Road. There are no longer any properties within the city limits that are over five acres of land and zoned HDR. In fact, there is limited development potential within the HDR category for multi-family and single family development. Specifically there are less than 10 acres in total of developable HDR residential property within the City.

FINDING: Based on the applicant's analysis and above discussion, staff finds that this standard is satisfied.

16.80.030 - Transportation Planning Rule (TPR) Consistency

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

The applicant has provided a transportation impacts analysis (TIA) that addressed the TPR consistency. The City's Engineering Department has reviewed the materials and determined that the rezone would have less impact on the transportation facilities.

- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

Highway 99W is considered a principal arterial, SW Meinecke is a collector and the portion of Cedar Brook Way when fully constructed adjacent to this property is considered a local street. Because the traffic generated from this development will be less than expected from a property zoned GC, no significant changes can be shown that are inconsistent with the functional classification of a transportation facility or that reduce the level of service of the facility below the minimum identified on the Transportation System Plan.

- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

FINDING: Based on the traffic analysis of submitted and the response from the City Engineer as well as ODOT, the zone change would not significantly affect a transportation facility because the average daily trips will be less than the number of trips anticipated with an already identified commercially zoned property.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include Chapter 3. Growth Management, Chapter 4, Land Use, Section E – Residential; and Section H - Economic Development, Section I - Commercial

Chapter 3. Growth Management

Policy 1: To adopt and implement a growth management policy, which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.

The property is located within the City limits and within the urban growth boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Development could improve the level of services occurring in this area and would provide improved connection and infrastructure within our City boundaries. Additionally, the properties will have direct access to SW Meinecke and SW Cedar Brook Way, both collectors south of this development.

The property is adjacent to a sloped wetland area and this would provide a green space amenity for the future residents, thereby improving livability. Since the City does not have a surplus of HDR properties, the higher density would be consistent with growth limits and population densities.

FINDING: Based on the above discussion, the proposal satisfies this policy.

Chapter 4, Section E - Residential Land Use

Policy 1 Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2 The City will insure that an adequate distribution of housing styles and tenures are available.

Policy 3 The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 4 The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Policy 5 The City shall encourage government assisted housing for low to moderate income families.

Policy 6 The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

Zone Change

The applicant proposes a residential use adjacent to other residential areas, rather than a commercial area in between two residential developments. As discussed above, there is limited land available for high-density housing within the City and a disproportionate percentage of that land use designation within the City compared to the lower density housing. The applicant has identified an intention to bring a new single-family housing type within the city limits.

The policies identified above seek to encourage and balance a variety of housing types. By approving this zone change, the City will be providing housing opportunities that are intended to help achieve the policies above.

FINDING: Based on the analysis above, rezoning the property HDR would support the variety of housing types identified as a policy goal to insure that an adequate distribution of housing styles and tenures are available within the community.

Minimum Lot Size Text Amendment

The applicant has proposed a text amendment that would remove the 5,000 square foot minimum lot size requirement for residential properties if developed as a Planned Unit Development. Currently, the smallest lot size for all zones is 5,000 square feet with a 15 % reduction for infill lots so long as the average minimum lot size is met. If approved, this would encourage more of a variety of single-family housing types under the Planned Unit Development review process. The number of lots on a particular site would be based on the density requirement of the zoning designation rather than an applicant's ability to meet the minimum lot size requirement. The Planning Commission and City Council would have the benefit of reviewing each proposal by following the Planned Unit Development standards providing for innovative developments over time and the flexibility that the market indicates.

The Comprehensive Plan policies encourage variety, style and price in the housing stock available within the City. By removing the minimum lot size requirement, the City would be encouraging the fundamentals of these policies by making housing more affordable and diverse.

FINDING: Based on the above analysis, the applicant meets the intention of the Comprehensive Plan housing policies.

Chapter 4. H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Policy 5 The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.

Strategy:

- The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.
- The City will encourage the development of light industrial and office parks.
- The City will seek to attract industries that are labor and capital intensive.

- **The City will seek to attract “target” industries which will expand industrial sectors inadequately represented in the urban area in order to diversify and stabilize the local economy.**

This economic development strategy seeks to expand commercial and industrial development to add job opportunities within the community. If the parcel is changed from commercial to residential, it must be determined whether this could negatively impact these comprehensive policies and strategies. The policy identified five strategies or areas where the City should encourage growth. The strategies did not include the subject property as an identified area that would benefit from the City's efforts. It is not part of the Old Town commercial area, it is not part of an industrial or office park area, and the current zoning would preclude industrial development.

FINDING: Based on this discussion, the zone change and text amendment would not hinder these economic development policies and strategies.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

Staff Analysis: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Sherwood Plan & Zone Map must show that the community continues to comply. Table 3.01-7 of this Title indicates that Sherwood's dwelling unit capacity is 5,216 and the job capacity is 9,518.

FINDING: Based on staff's analysis, the proposed zone change is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the zone change is approved.

VII. APPLICABLE STATE STANDARDS

The applicable Statewide Planning Goals include: Goal 1, 2, 9, and Goal 10.

Goal 1 (Citizen Involvement)

Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on August 6, 2013 prior to the applicant's submittal to the City. The application is being discussed and decided after a public hearing.

FINDING: Based on the above discussion, the applicant satisfies this planning goal.

Goal 2 (Land Use Planning)

FINDING: The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 3-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (Economic Development)

The proposal will change the zoning from GC to HDR. The applicant intends to provide smaller lot single-family homes to Sherwood. The applicant provided an Economic Opportunity Analysis that illustrated the current and future development trends for the urban area over the next twenty-year planning horizon. Buildable land inventory analysis shows that there is a limited supply of HDR as it compares to lower density residential as well as the abundance of commercial available properties in the general vicinity of the subject parcel.

FINDING: Based on the above discussion the zone change and text amendment are in compliance with this goal.

Goal 10 (Housing)

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

FINDING: Based on the analysis as discussed above, this Goal has been satisfied.

Goal 11 (Public Facilities and Services)

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12.

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

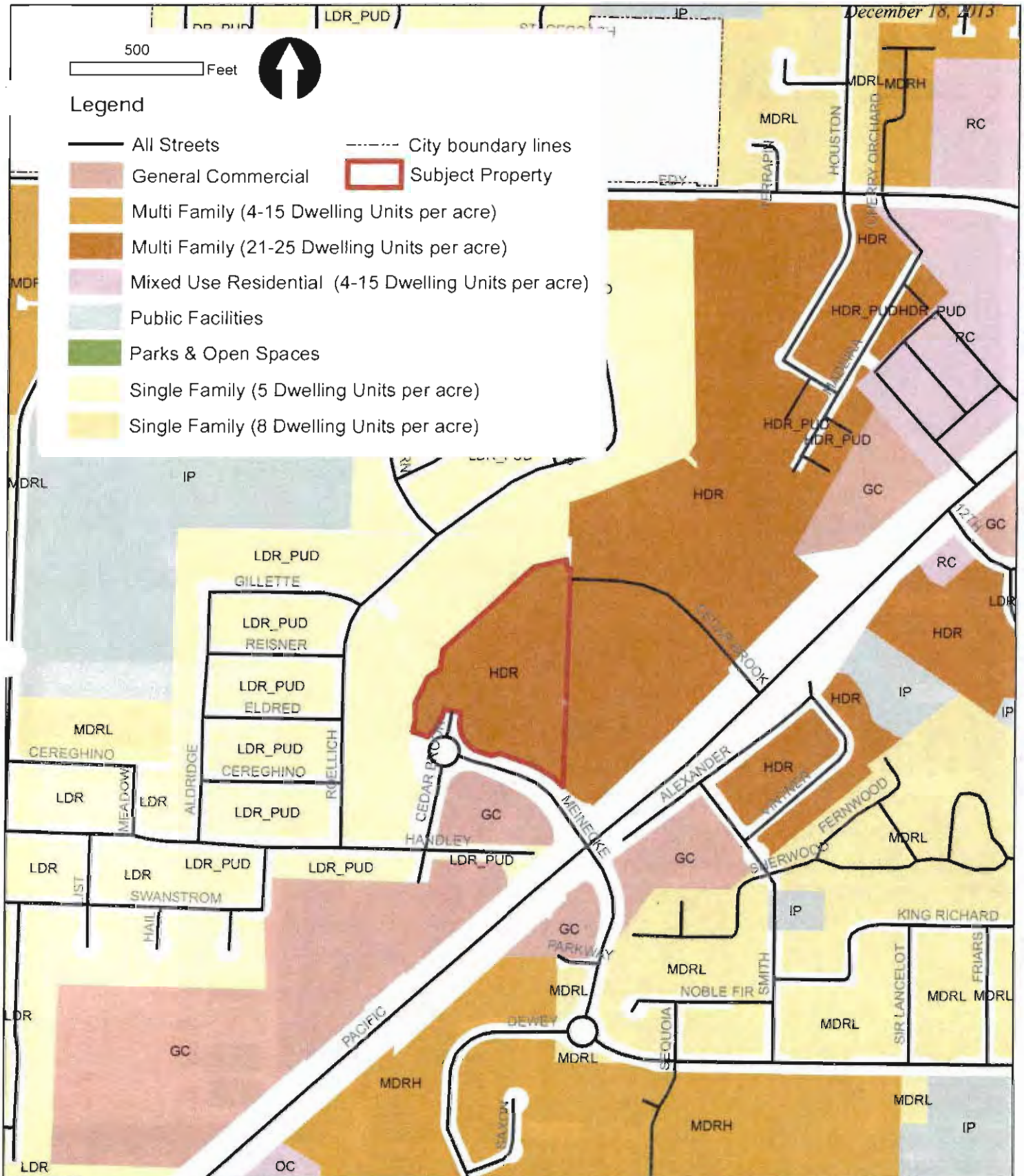
FINDING: The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Staff assessment and recommendation on Plan Amendment:

Based on the analysis above, the applicant has provided adequate information to make findings in support of the proposed amendment. Therefore, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed zone change and text amendment to the City Council as proposed.

VIII. ATTACHMENTS

- A. Proposed Text Amendment
- B. Applicant's submittal packet
- C. Susan Robinson Email dated November 29, 2013
- D. ODOT comments submitted December 9, 2013
- E. Engineering comments submitted December 11, 2013
- F. Written testimony presented at Commission hearing from David Emami dated December 18, 2013
- G. Pictures and preliminary site plan presented at Commission hearing from Andy Tiemann
- H. Ordinance 2004-07 presented at Commission hearing by staff



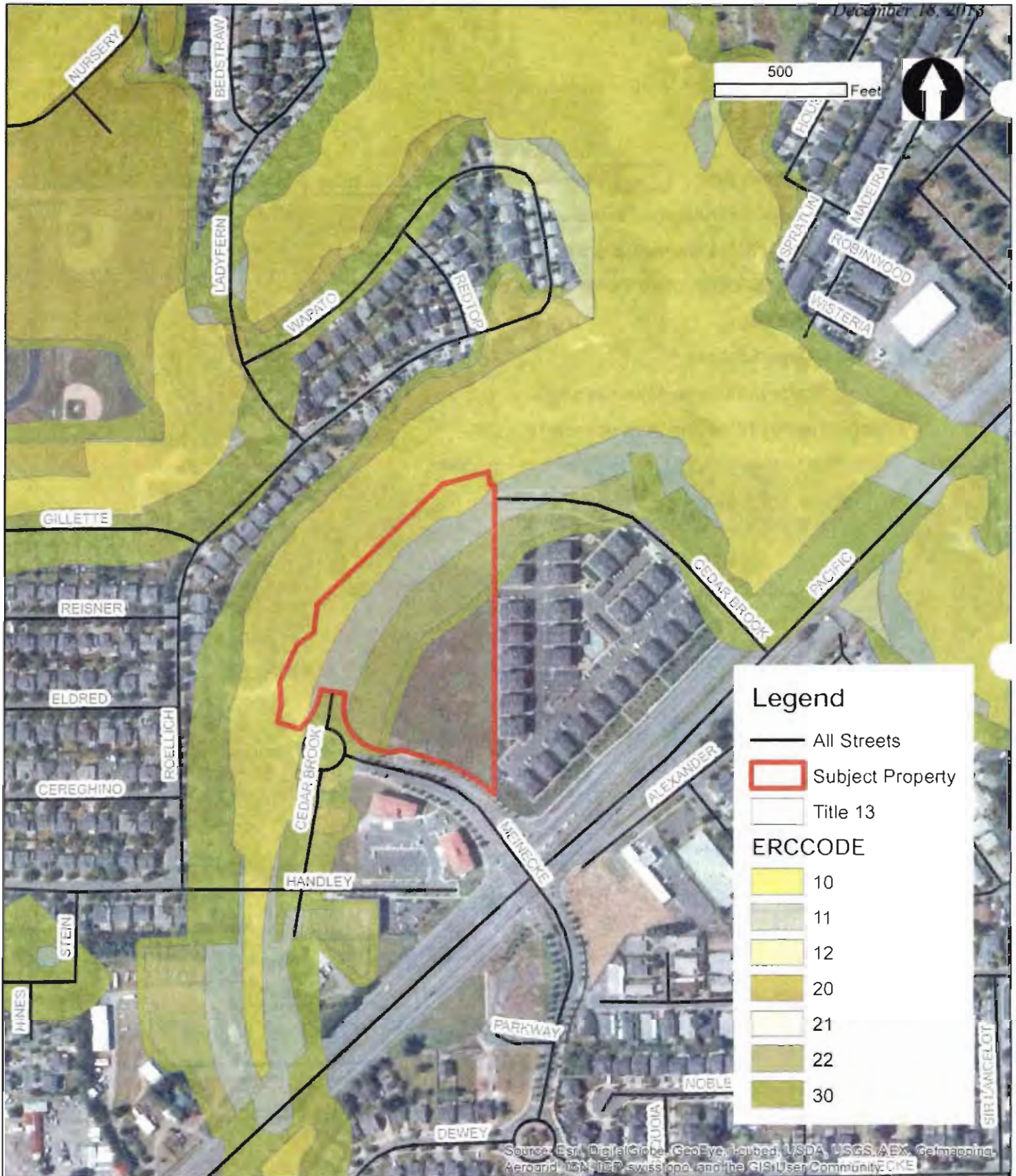
Brownstone Zone Change

Proposed Zoning

Sherwood, Oregon



Shaping the Future



Brownstone

Title 13 Nature in Neighborhoods

Sherwood, Oregon



ORDINANCE 2014-002

AMENDING SECTION 16.40 OF THE ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO PLANNED UNIT DEVELOPMENTS

WHEREAS, the City received an application for a text amendment to the Sherwood Zoning and Development Code amending the provisions of Chapter § 16.40 Planned Unit Development; and

WHEREAS, the applicant proposed to remove the 5,000 square foot minimum lot size allowed for single family home developments in high density residential zones, if approved under the planned unit development standards; and

WHEREAS, after testimony from the public, staff and the applicant, the Sherwood Planning Commission, recommended removal of the standard if developed under the Planned Unit Development standards so long as there was an established limited effective date; and

WHEREAS, the proposed amendment was reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing before the Planning Commission on December 18, 2013; and

WHEREAS, the Planning Commission voted to forward a recommendation to the City Council for the proposed Development Code modifications to Chapter 16.40; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on February 4, 2014, and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings

After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the City Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in attached Exhibit 1-A.

Section 2. Approval

The proposed amendment for Plan Text Amendment (PA) 13-02 identified in Exhibits 1-A is hereby **APPROVED**.

Section 3. Manager Authorized

The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

Section 4. Applicability

The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5. Effective Date

This ordinance shall become effective the 30th day after its enactment by the City Council and approval of the Mayor.

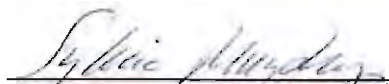
Section 6. Sunset Provision

This ordinance shall expire automatically, unless extended by ordinance of the City Council, one year from its effective date.

Duly passed by the City Council this 4th day of February 2014.


Bill Middleton, Mayor

Attest:


Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Langer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<u>Absent</u>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Middleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY OF SHERWOOD

February 4, 2014

City Council Findings

Brownstone Zone Change and Text Amendment (PA 13-4)

Pre App. Meeting: July 1, 2013

App. Submitted: September 13, 2013

App. Complete: October 16, 2013

120 Day Deadline: February 12, 2014

Planning Commission Hearing: December 18, 2013

At the City Council hearing on February 4, 2014, the City Council approved the proposed zone change, map and text amendment to rezone the property located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway from General Commercial to High Density Residential. They did not impose the barrier on the multifamily development as recommended by the Planning Commission.

The City Council approved the Planned Unit Development text amendment as it applies to properties located in the High Density Residential zone, provided the application for a planned unit development is received within one year from the date the Code amendment is enacted.

Planning Commission Recommendation to City Council:

The Planning Commission held a public hearing on December 18, 2013 to take testimony and consider the proposed zone change, map amendment and text amendment on an application the City received to rezone the property located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway from General Commercial to High Density Residential. After considering the staff report, applicant testimony and the public comments, the Commission recommended approval of the zone change. The Planning Commission found the market analysis conducted by the applicant and identified as Exhibit J persuasive. The analysis demonstrated the community's need for 670 single-family attached and detached dwelling units over the next twenty years and that there is currently a demonstrated need for this particular housing type.

The Planning Commission did not recommend approval of the text amendment as proposed by the applicant. The applicant had proposed to amend the planned unit development standards (PUD) to remove the minimum lot size requirement of 5,000 square feet for residential developments. The Planning Commission discussed that they may have considered recommending approval if the applicant had proposed removal of the minimum lot size for PUDs for a specific project or for a certain period of time, effectively a "sunset provision" for the minimum lot size requirement.

Applicant's Proposal:

The applicant has requested a comprehensive plan and zone map amendment to change the zone from General Commercial (GC) to High Density Residential (HDR). Additionally, the applicant proposes to amend the planned unit development standards to remove the minimum lot size requirement of 5,000 square feet for residential developments. The property subject to the zone change is vacant. The

applicant's proposed text amendment Code language is included as Exhibit A. The applicant's entire application packet is attached as Exhibit B.

I. BACKGROUND

A. Applicant

Brownstone Real Estate Group
P.O. Box 2375
Lake Oswego, OR
Contact: Randy Myers

B. Applicant's Representative

Cardno
5415 SW Westgate Drive, Suite 100
Portland OR 97221

C. Location: Washington County Tax Map 2S130CD13400. The property is at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway.

D. Parcel Sizes: 5.77 acres total, including area for Cedar Brook Way extension

E. Existing Development and Site Characteristics: The site is vacant with a vegetated corridor along the western and northern edges of the property line. The vegetated corridor is approximately fifty feet in most places and slopes to the western edge of the site into the vegetated corridor. Nine trees are to remain within this corridor. The rest of the site is vacant and level. SW Meinecke Parkway, a fully developed roadway extends to the roundabout at the intersection of SW Meinecke Parkway and SW Cedar Brook Way with curb tight sidewalks to the roundabout.

F. Site History: The site was initially part of a three-lot minor land partition, Cedar Brook Way MLP (05-05), and was approved in 2005. When the Oregon Department of Transportation (ODOT), in cooperation with the City constructed the western extension of SW Meinecke Parkway terminating in a traffic roundabout at SW Cedar Brook Way, tax lots 100 and 101 were physically created with the road separating them. The three lots were zoned General Commercial. Two of those lots have office buildings currently constructed on their property. This third lot is the subject of this zone change.

G. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial (GC) and generally allows a wide range of commercial uses.

H. Adjacent Zoning and Land Use: Land to the east is zoned High Density Residential (HDR) and developed with multifamily housing. Land to the south and across SW Meinecke is also zoned GC, and developed with two separate office buildings. To the west and across the vegetated corridor buffer, is a residential subdivision with single-family homes zoned low-density residential, planned unit development (LDR-PUD). The subdivision is Wydham Ridge.

I. Review Process: Both the proposed text amendment and zone change require a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. There will be a twenty-one (21) day appeal period after the Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).

- J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on November 25, 2013 in accordance with § 16.72.020 of the SZCDC. The notice was published in the Sherwood Gazette on December 1, 2013 and published in the Times on December 12, 2013 (a newspaper of general circulation) in accordance with § 16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Plan Amendment are identified in § 16.80 (Plan Amendments), Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity, Oregon Transportation Planning Rule: (OAR 660-012-0060), Statewide Planning Goals: Goal 1- Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal 10-Housing

II. PUBLIC COMMENTS

Sally Robinson no address provided submitted an email to staff on December 2, 2013 indicating her concern with the proposal. She raised the issue of onsite parking as well as the additional traffic that could be generated with this high-density residential use. Her comments are attached as Exhibit C.

Staff Response: The parking standards are set based on a particular use within the zoning designation. The parking standards are not under review and any land use application regardless of the zoning designation will be required to meet or be conditioned to meet all community design standards found within the current Sherwood Zoning and Development Code.

With respect to traffic, residential uses generate less traffic than commercial uses as the traffic impact analysis indicates. This roadway and nearby signalized intersection are equipped to manage the capacity for the proposed residential use.

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on November 24, 2013. The following is a summary of comments received as of this date.

ODOT Comments dated December 9, 2013 and attached as Exhibit D.

ODOT has reviewed the traffic impact analysis submitted by the applicant which compares the reasonable highest trip generation for allowed land uses under the existing General Commercial zoning to the reasonable highest trip generation for the proposed High Density Residential zoning. Since the reasonable highest trip generation under the proposed zoning is less than the existing zoning, ODOT has determined there will not be a significant effect on state highway facilities with the proposed zone change.

Engineering Department Comments dated December 11, 2013 indicate that the zone change would not negatively affect the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

Transportation Review

A Traffic Analysis Report, by Charbonneau Engineering LLC, dated October 2013, was submitted as part of the application. The report indicates that the proposed zoning change and code text amendment will result in fewer A.M. and P.M. peak hour trips. The report indicates that the development will experience LOS "D" or better and operate with a V/C ratio of 0.75 during both A.M. and P.M. peak hour traffic.

The development is proposing two access points to the development. One access point is located off the constructed extension of Cedar Brook Way, to the existing roundabout at the Meinecke Road Intersection. The second access point is located approximately 180 feet east of the roundabout on Meinecke Road. City Engineering Design Standards indicates that a design spacing minimum of 400 feet is required for intersections on collector status streets. However, this access is proposed to be configured as a right-in/right-out intersection, in which case the 180-foot distance would be acceptable conditioned on meeting minimum sight distance requirements.

Storm System Review

There are no existing public storm water facilities that would be able to serve the site. The existing storm water quality facility located on Cedar Brook Way near Hwy 99W serves the Cedar Brook development and is not size for additional capacity. This storm water facility is located on land owned by the current property owner located on the north side of Cedar Brook Way.

The applicant could investigate the willingness of the existing storm water facility property owner to allow expansion of the facility. Regardless, the site will need to provide storm water quality treatment of impervious surface storm water runoff generated at the site to meet CWS standards. Discharge of treated storm water runoff would most likely be to the Cedar Creek tributary located to the west of the site.

Sanitary Sewer System Review

There is an existing public 8-inch sanitary sewer mainline located in Cedar Brook Way. This sewer main would need to be extended with the construction of Cedar Brook Way to be able to provide service to the site. The existing sanitary sewer system located in Cedar Brook Way has the capacity to handle the proposed development.

Water System Review

There is an existing 12-inch water mainline located in Cedar Brook Way. The water main would need to be extended with the construction of the extension of Cedar Brook Way to provide service to the site. The existing water system located in Cedar Brook Way has the capacity to handle the proposed development.

General Comments

The traffic analysis report depicts outdated roadway classifications in a reference table. This table shall be updated to reflect current City TSP roadway classifications. The reference chart also incorrectly indicates an existing Cedar Brook Way paved section with of 32 feet. This reference chart shall be updated to reflect a correct paved width of 36 feet. The proposed design road section extension for Cedar Brook Way shall conform to the existing road section of Cedar Brook Way.

Conclusion

The requested zoning change and code text amendment will not have a negative impact on adjacent public transportation systems, or the ability of public utility infrastructure to handle the additional demand made by the site development.

IV. PLAN AMENDMENT REQUIRED FINDINGS

16.80.030 - Map Amendment

This section states that an amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and A-D below.

The applicable Comprehensive Plan policies are discussed under Section V. below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable Regional regulations are discussed under Section VI. and applicable State regulations are discussed under Section V.

FINDING: This is discussed in detail below.

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

FINDING: This is discussed in detail below under Section V.

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Zone Change

The applicant proposes to rezone property from commercial to high density residential. The proposed zoning designation allows for a variety of housing types from single-family to multi-family units such as townhomes, condominiums and apartments. Examples of HDR development in Sherwood range from the Sunfield Lake Apartments to Sherwood Village, a detached single family residential planned unit development. The housing density range for this zoning is 16.4 to 24 dwelling units per acre. There are approximately 121 acres of existing HDR properties within the City and fewer than 10 remaining acres that have yet to be developed. The applicant's Economic Analysis (EA) indicates that that HDR accounts for approximately 6% of the overall land supply of residentially zoned properties. The City owns the only comparable HDR property over 5 acres, but much of that is undevelopable due to slopes and the vegetated corridor buffer on the property. If approved, there is approximately 2.75 acres of developable land on this site and thus the density range for this development would be 46-66 dwelling units.

Specific site conclusions of the applicant's EA indicate that the site provides appropriate flexibility with regard to residential development feasibility, its proximity to other residential

development and proximate access to Highway 99W and the amenities along the roadway. It is effectively "buried" behind adjacent development which limits its visibility and access from Highway 99W making it more ideal for residential over commercial uses where roadway visibility is key. The Cedar Creek natural area will provide a natural open space buffer providing privacy between the neighborhoods and thus increasing economic value to the property.

The applicant's EA contends that the site has disadvantages as a commercial property such as:

- limited visibility to Highway 99W
- adjoining and nearby residential properties would see additional traffic, noise and higher activity levels generated with a commercial property,
- a commercial use would not recognize the economic and community value from the Cedar Creek natural area.

This site is similar to other vacant commercial properties along Highway 99W. There are approximately nine vacant and underdeveloped commercially zoned properties along Highway 99W with varying lot sizes. These properties all have greater visibility along Highway 99W than the subject property and it may be challenging to develop this site commercially because it is not directly located on Highway 99W.

Commercial uses generate service and office jobs within a community and generally provide economic vitality to the community. The City has identified an overall jobs/ housing imbalance in the Economic Development Strategy (EDS) conducted in 2007. Sherwood is "housing rich and jobs poor" compared with the rest of Washington County. The jobs -to-population ratio is .30 in Sherwood compared to .40 for Washington County as a whole. The EDS found the employment levels for Sherwood to range from 3,992 to 4,315 jobs and nearly 85% of the workers who live in Sherwood, work outside of the City limits.

The applicant submitted a market analysis in the application materials addressing the need for additional residential zoning in Sherwood to meet the community's needs. Specifically, the market analysis for Sherwood showed that the price threshold is \$250,000 and higher for single-family detached units and 190,000-300,000 for attached ownership/townhomes. The applicant identifies that the proposed residential development on-site and economically feasible on land zoned HDR would be priced at \$ 195,000 to \$230,000 for attached townhomes and the price point for single-family development would be between \$250,000-350,000. According to the analysis, there is a demand of 670 units of this housing type in Sherwood over the next twenty years.

Minimum Lot Size Text Amendment

The current minimum lot size for all residential developments does not allow the flexible variety of housing types that a planned unit development would normally provide because of the strict adherence to the minimum 5,000 square foot lot size for detached dwelling units. The applicant proposes removal of the minimum lot size in its entirety to provide the greatest flexibility for all developments regardless of the residential zoning. The minimum and maximum density requirements would still need to be met, however. The applicant indicates that the smaller or zero lot housing type is gaining popularity allowing for detached single-family units on separate lots that would be otherwise unattainable under any of the City's existing zones, as well as in the

current PUD standards. The Planning Commission and City Council will continue to have strong oversight for Planned Unit Developments and would continue to review the projects with the other planned unit developments standards unchanged.

FINDING: Based on the above analysis the applicant meets this criterion.

C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

The proposed amendment is both timely and consistent with the area's land use pattern. There is a very limited supply of vacant HDR properties available within the City's existing boundary. According to Metro RLS data, there are approximately 84 acres of undeveloped or vacant commercially zoned property, located primarily along on SW Tualatin Sherwood Road, SW Roy Rogers or along Highway 99W. The subject property does not have the benefit of the higher visibility that adjacency to these roadways provides and as a result may not develop until after these properties are developed.

Residential uses in the commercial zone are permitted so long as they are secondary to the commercial use. In 2008, the site received land use approval for an independent living facility for senior housing that was conditionally permitted in the GC zone. No other applications have been received or land use approvals granted concerning this property since it was originally partitioned in 2005.

The lack of available housing supply and available vacant commercial supply within the City limits while not dispositive can be seen as an indicator of availability and timing for the proposed rezone. The adjacent commercial property has been constructed with two office buildings but has remained vacant for over five years whereas the adjoining multi-family residential development is at capacity.

Public infrastructure is available and utilities are able to be constructed to serve the site with the extension of Cedar Brook Way. The applicant has addressed the transportation system with the analysis conducted in their Exhibit G to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve high density development on this property should the rezone be approved.

Minimum Lot Size Text Amendment

Although most high-density residential lots can achieve the density requirements if developed on one lot, the minimum lot size of 5,000 square feet precludes the development of single-family homes that meet the minimum density requirements of the HDR zoning. The applicant contends and staff agrees that it limits the owner occupied housing type for detached dwelling units that are permitted within this zone. It limits the ability to provide small lot detached dwelling units in the Sherwood housing market that are available in other parts of the region. Because the applicant seeks to remove the minimum lot size, and if developed as a PUD, the community will have considerable oversight in the design and viability of each development.

FINDING: Based on the above discussion, the applicant meets this criterion.

D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

The subject site is one of several vacant commercially zoned properties along Pacific Highway between Cedar Brook Way and SW Edy Road. There are no longer any properties within the city limits that are over five acres of land and zoned HDR. In fact, there is limited development potential within the HDR category for multi-family and single family development. Specifically there are less than 10 acres in total of developable HDR residential property within the City.

FINDING: Based on the applicant's analysis and above discussion, staff finds that this standard is satisfied.

16.80.030 - Transportation Planning Rule (TPR) Consistency

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

The applicant has provided a transportation impacts analysis (TIA) that addressed the TPR consistency. The City's Engineering Department has reviewed the materials and determined that the rezone would have less impact on the transportation facilities.

- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

Highway 99W is considered a principal arterial, SW Meinecke is a collector and the portion of Cedar Brook Way when fully constructed adjacent to this property is considered a local street. Because the traffic generated from this development will be less than expected from a property zoned GC, no significant changes can be shown that are inconsistent with the functional classification of a transportation facility or that reduce the level of service of the facility below the minimum identified on the Transportation System Plan.

- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

FINDING: Based on the traffic analysis of submitted and the response from the City Engineer as well as ODOT, the zone change would not significantly affect a transportation facility because the average daily trips will be less than the number of trips anticipated with an already identified commercially zoned property.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include Chapter 3. Growth Management, Chapter 4, Land Use, Section E – Residential; and Section H - Economic Development, Section I - Commercial

Chapter 3. Growth Management

Policy 1: To adopt and implement a growth management policy, which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.

The property is located within the City limits and within the urban growth boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Development could improve the level of services occurring in this area and would provide improved connection and infrastructure within our City boundaries. Additionally, the properties will have direct access to SW Meinecke and SW Cedar Brook Way, both collectors south of this development.

The property is adjacent to a sloped wetland area and this would provide a green space amenity for the future residents, thereby improving livability. Since the City does not have a surplus of HDR properties, the higher density would be consistent with growth limits and population densities.

FINDING: Based on the above discussion, the proposal satisfies this policy.

Chapter 4, Section E - Residential Land Use

Policy 1 Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2 The City will insure that an adequate distribution of housing styles and tenures are available.

Policy 3 The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 4 The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Policy 5 The City shall encourage government assisted housing for low to moderate income families.

Policy 6 The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

Zone Change

The applicant proposes a residential use adjacent to other residential areas, rather than a commercial area in between two residential developments. As discussed above, there is limited land available for high-density housing within the City and a disproportionate percentage of that land use designation within the City compared to the lower density housing. The applicant has identified an intention to bring a new single-family housing type within the city limits.

The policies identified above seek to encourage and balance a variety of housing types. By approving this zone change, the City will be providing housing opportunities that are intended to help achieve the policies above.

FINDING: Based on the analysis above, rezoning the property HDR would support the variety of housing types identified as a policy goal to insure that an adequate distribution of housing styles and tenures are available within the community.

Minimum Lot Size Text Amendment

The applicant has proposed a text amendment that would remove the 5,000 square foot minimum lot size requirement for residential properties if developed as a Planned Unit Development. Currently, the smallest lot size for all zones is 5,000 square feet with a 15 % reduction for infill lots so long as the average minimum lot size is met. If approved, this would encourage more of a variety of single-family housing types under the Planned Unit Development review process. The number of lots on a particular site would be based on the density requirement of the zoning designation rather than an applicant's ability to meet the minimum lot size requirement. The Planning Commission and City Council would have the benefit of reviewing each proposal by following the Planned Unit Development standards providing for innovative developments over time and the flexibility that the market indicates.

The Comprehensive Plan policies encourage variety, style and price in the housing stock available within the City. By removing the minimum lot size requirement, the City would be encouraging the fundamentals of these policies by making housing more affordable and diverse.

FINDING: Based on the above analysis, the applicant meets the intention of the Comprehensive Plan housing policies.

Chapter 4. H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Policy 5 The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.

Strategy:

- The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.
- The City will encourage the development of light industrial and office parks.
- The City will seek to attract industries that are labor and capital intensive.

- **The City will seek to attract “target” industries which will expand industrial sectors inadequately represented in the urban area in order to diversify and stabilize the local economy.**

This economic development strategy seeks to expand commercial and industrial development to add job opportunities within the community. If the parcel is changed from commercial to residential, it must be determined whether this could negatively impact these comprehensive policies and strategies. The policy identified five strategies or areas where the City should encourage growth. The strategies did not include the subject property as an identified area that would benefit from the City’s efforts. It is not part of the Old Town commercial area, it is not part of an industrial or office park area, and the current zoning would preclude industrial development.

FINDING: Based on this discussion, the zone change and text amendment would not hinder these economic development policies and strategies.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

Staff Analysis: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Sherwood Plan & Zone Map must show that the community continues to comply. Table 3.01-7 of this Title indicates that Sherwood’s dwelling unit capacity is 5,216 and the job capacity is 9,518.

FINDING: Based on staff’s analysis, the proposed zone change is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the zone change is approved.

VII. APPLICABLE STATE STANDARDS

The applicable Statewide Planning Goals include: Goal 1, 2, 9, and Goal 10.

Goal 1 (Citizen Involvement)

Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City’s public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on August 6, 2013 prior to the applicant’s submittal to the City. The application is being discussed and decided after a public hearing.

FINDING: Based on the above discussion, the applicant satisfies this planning goal.

Goal 2 (Land Use Planning)

FINDING: The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 3-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (Economic Development)

The proposal will change the zoning from GC to HDR. The applicant intends to provide smaller lot single-family homes to Sherwood. The applicant provided an Economic Opportunity Analysis that illustrated the current and future development trends for the urban area over the next twenty-year planning horizon. Buildable land inventory analysis shows that there is a limited supply of HDR as it compares to lower density residential as well as the abundance of commercial available properties in the general vicinity of the subject parcel.

FINDING: Based on the above discussion the zone change and text amendment are in compliance with this goal.

Goal 10 (Housing)

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

FINDING: Based on the analysis as discussed above, this Goal has been satisfied.

Goal 11 (Public Facilities and Services)

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12.

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Staff assessment and recommendation on Plan Amendment:

Based on the analysis above, the applicant has provided adequate information to make findings in support of the proposed amendment. Therefore, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed zone change and text amendment to the City Council as proposed.

VIII. ATTACHMENTS

- A. Proposed Text Amendment
- B. Applicant's submittal packet
- C. Susan Robinson Email dated November 29, 2013
- D. ODOT comments submitted December 9, 2013
- E. Engineering comments submitted December 11, 2013
- F. Written testimony presented at Commission hearing from David Emami dated December 18, 2013
- G. Pictures and preliminary site plan presented at Commission hearing from Andy Tiemann
- H. Ordinance 2004-07 presented at Commission hearing by staff

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located. (Ord. 86-851, § 3)

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851, § 3)

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:

a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.

b. Or-qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; Ord. 86-851)



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Department of Land Conservation
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635 Capital St. NE Suite 150
Salem OR 97301-2540

Attn: Plan Amendment Specialist

